

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

HAWAII CHILDREN'S BLOOD AND	)	CIVIL NO. 03-00708 SOM / LEK
CANCER GROUP,	)	
	)	
Plaintiff,	)	ORDER DENYING DEFENDANTS' EX
	)	PARTE MOTION TO SHORTEN TIME
vs.	)	
	)	
HAWAI'I PACIFIC HEALTH;	)	
KAPI'OLANI MEDICAL	)	
SPECIALISTS; KAPI'OLANI	)	
MEDICAL CENTER FOR WOMEN AND	)	
CHILDREN,	)	
	)	
Defendants.	)	
_____	)	

ORDER DENYING DEFENDANTS' EX PARTE MOTION TO SHORTEN TIME

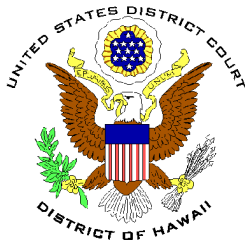
Defendants have submitted an Ex Parte Motion To Shorten Time on the hearing on what they are calling a "Renewed Motion To Dismiss, or in the Alternative, To Stay Proceedings Pending Resolution of the Concurrent State of Hawaii Circuit Court Case, or To Continue Trial." The court denies the Ex Parte Motion To Shorten Time and will assign the next regularly available hearing date and time to the "Renewed Motion."

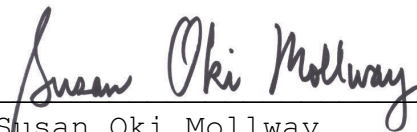
The court declines to expedite the hearing on the "Renewed Motion" because, although Defendants explain why they want their "Renewed Motion" decided quickly, they provide no explanation as to why they delayed submitting their "Renewed Motion" until now. According to papers attached to the Ex Parte Motion To Shorten Time, Defendants placed Plaintiff's counsel "on

notice that HPH Defendants intended to renew their motion premised upon the duplicate state court proceeding" at a status conference in state court on October 27, 2005; following a hearing in state court on November 18, 2005; and during a status conference in state court on December 8, 2005. Thus, Defendants have been contemplating filing their "Renewed Motion" for many months, but have waited until January 10, 2006, to ask this court for a hearing. It appears that the request for an expedited hearing results from Defendants' own delay in submitting their "Renewed Motion." Those circumstances do not justify having this court displace another case in which the parties have diligently pursued litigation and have been patiently waiting for their turn before the court. In short, having waited months to file their "Renewed Motion," Defendants do not make a good case for having this court rush to make up for their delay. Had Defendants filed their motion sooner, they could have had their "Renewed Motion" decided by now.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, January 11, 2006.



  
Susan Oki Mollway  
United States District Judge

**Hawaii Children's Blood and Cancer Group v. Hawaii Pacific Health, et. al;**  
**Civil No. 03-00708 SOM/LEK; ORDER DENYING DEFENDANTS' EX PARTE MOTION TO**  
**SHORTEN TIME**